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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,863	01/22/2002	Heidrun Engler	016930-000816US	4929
20350	7590 02/13/2004		EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP			PESELEV, ELLI	
TWO EMBAI	RCADERO CENTER		ART UNIT	PAPER NUMBER
	ISCO, CA 94111-3834		1623	
			DATE MAILED: 02/13/2004	4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			Application No.	Applicant(s)				
Elii   Peselev   1623	Office Action Summary		10/055,863	ENGLER ET AL.				
— The MALING DATE of this communication appears on the cover sheet with the correspondence address—Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 2 CPR 1.13(6). In no event, however, may a reply be timely filled that is 3K (5) MCMP45 from the making date of this communication.  1 the Deptical time may be available under the provisions of 2 CPR 1.13(6). In no event, however, may a reply be timely filled that is 3K (5) MCMP45 from the making date of this communication.  1 the Deptical timely is specified show, the maximum statutory period vial apply within the statutory minimum of think (30) diver, will be considered from the communication.  1 the Deptical timely is specified show, the maximum statutory period vial apply within the statutory minimum of think (30) diver, will be considered from the communication.  2 the provision of the statutory will be considered the second period of the statutory period vial apply within the statutory minimum of think (30) divers will be considered from the communication.  1 MR Responsive to communication (s) filled on 26 November 2002.  2 a) ☐ This action is FINAL.  2 b) ☐ This action is non-final.  3 ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4 ☐ Claim(s) 1-28 is/are pending in the application.  4 ☐ Claim(s) 1-28 is/are pending in the application.  4 ☐ Claim(s) 1-28 is/are pending in the application.  5 ☐ Claim(s) 1-36 is/are allowed.  6 ☐ Claim(s) 1-36 is/are allowed.  7 ☐ Claim(s) 1-36 is/are objected to by the Examiner.  9 ☐ The specification is objected to by the Examiner.  10 ☐ The drawing(s) filled on 1-15/are; a) ☐ accepted or b) ☐ objected to by the Examiner.  Application Papers  9 ☐ The specification is objected to by the Examiner. Note the a			Examiner	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \$\frac{1}{2}\$ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of lines may be available under the provisions of 37 CFR 1.35(s), in no event, however, may a reply be timely filled.  Extensions of lines may be available under the provisions of 37 CFR 1.35(s), in no event, however, may a reply be timely filled.  Extensions of lines may be available under the provisions of 37 CFR 1.35(s), in no event, however, may a reply be timely filled.  Extensions of lines may be available under the provisions of 37 CFR 1.75(s), in the vent, however, may a reply be timely filled.  Extensions of lines are provided to the provision of the mainting date of this communication. In this provision is a specified above, he maximum isotatory preinted vall apply early will in the statutory mainting date of this communication, even if linely filled, may reduce any example under the mailing date of this communication, even if linely filled, may reduce any example under the mailing date of this communication, even if linely filled, may reduce any example under the mailing date of this communication, even if linely filled, may reduce any example under the mailing date of this communication, even if linely filled, may reduce any example under the mailing date of this communication, even if linely filled, may reduce any example under the mailing date of this communication, even if linely filled, may reduce any example under the mailing date of this communication.  1) SResponsive to communication(s) filled on 26 November 2003.  2a) This action is FINAL.  2b) This action is considered to see 37 CFR 1.74(d).  1) See above claim(s) 1.27 and 50.81 is action is non-final.  2) Claim(s) 1.88 is/are pending in the application.  4) Claim(s) 1.88 is/are pending in the application.  4) Claim(s) 1.88 is/are pending in the application.  4) Claim(s) 1.89 is/are allowed.  5) Claim(s) 1.89 is/are objected to by the Examiner.  4) Claim(s) 1.89 is/are objected to by the Examiner.  Applicat			Elli Peselev	1623				
THE MAILING DATE OF THIS COMMUNICATION.  Ederated as time may be available under the provisions of 37 cPR 1.13(6). In no event, however, may a reply be finely filed after 50 kg (9 MONTHS from the mailing date of this communication of 37 cPR 1.13(6). In no event, however, may a reply be finely filed after 50 kg (9 MONTHS from the mailing date of this communication.)  If the provision of complete the mailing date of this communication.  Falcular to reply within the safe or catendary period of crept yeal, by adults, cause the application to become ARANDONED 03 U.S.C. § 133. Any reply received by the Officia out than there maining date of the communication, even if fundy filed, may reduce any common patient term africations.  1) Responsive to communication(s) filed on 26 Movember 2003.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-88 is/are pending in the application.  4a) Of the above claim(s) 1-27 and 59-81 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  5) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  7) Claim(s) is/are allowed.  8) The specification is objected to.  8) Claim(s) 28-58 and 82-88 are subject to restriction and/or election requirement.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The order of drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  2) All b) Some c) None of:  1. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies			n appears on the cover sheet w	vith the correspondence address				
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a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  1. Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Priority ι	ınder 35 U.S.C. § 119						
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  1 Notice of Informal Patent Application (PTO-152)								
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Application/Control Number: 10/055,863

Art Unit: 1623

Claims 1-27 and 59-81 are withdrawn from further consideration as being drawn to a non-elected invention, the election having been traversed in paper filed November 26, 2003

Applicant's election with traverse of Group III, claims 28-58 and 82-88, drawn to a composition comprising Formula I filed November 26, 2003 has been noted. However, upon further consideration it has been noted that the compound of Formula I contains patentably distinct species drawn to saccharide derivatives and to non saccharide derivatives having separate classifications and requiring separate searches. Therefore, a further election of species is set herein below.

This application contains claims directed to the following patentably distinct species of the claimed invention: 1) The compounds of claims 29-31, 44-48, 50-56 directed to saccharide derivatives classified in class 536, subclass 17.2 and 2) claims 57-58, drawn to steroid derivatives classified in class 552, subclass 502...

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 28, 32-43, 49 and 82-88 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

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Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elli Peselev whose telephone number is (571) 272-0659. The examiner can normally be reached on 9.00-5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Wilson can be reached on (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Elli Peselev

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